

REMARKS

STATUS OF CLAIMS

Claims 1-21 are pending. Claims 1, 14, 18 and 21 have been amended. Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kocsuta (U.S. Pat. No. 2,950,132). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131 (quoting *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Claims 1 and 21 have been amended to recite a yieldable material that has little or no shape memory. Claims 14 and 18 have been similarly amended to recite that the retaining ring is formed from a yieldable material that has little or no shape memory.

The retaining ring formed from a yieldable material that has little or no shape memory as recited by claim 1, provides a retaining ring that can be yielded or shaped into desired positions. Once the retaining ring is yielded into a desired shape or position, the shape or position is maintained by the ring and the ring does not spring back into its original shape. This allows for easy installation and removal of the retaining ring. Support for this amendment can be found, for example, in at least paragraphs 27 and 28 of the specification as filed.

The Kocsuta patent does not disclose this aspect of claim 1. To the contrary, Kocsuta discloses a *resilient* ring that *has* shape memory. The ring 6 is compressed upon exertion of a force, however once the force is removed, the spring 6 springs back or returns to its original shape. See, for example, column 1, lines 62-72 of the Kocsuta patent. Therefore, the ring 6 is not formed from a yieldable material that has little or no shape memory, as recited in the claims. Accordingly, claim 1 and dependent claims 2-13 are allowable for at least this reason.

Claim 14 has been amended to recite that the retaining ring is formed from a yieldable material that has little or no shape memory. As previously discussed in response to the § 102(b) rejection to claims 1-13, the Kocsuta patent fails to disclose at least this aspect of the claims. In fact, Kocsuta discloses a *resilient* ring that has shape memory. Claim 14 is allowable for at least this same reason. Claims 15-17 depend from claim 14 and are allowable for at least the above-stated reason.

Claim 18 has been amended to recite that the retaining ring is formed from a yieldable material that has little or no shape memory. Thus, dependent claims 19-20 recite a retaining ring formed from yieldable material that has little or no shape memory. As previously discussed in response to the § 102(b) rejection to claims 1-13, the Kocsuta patent fails to disclose a ring that has little or no shape memory, as recited in claims 18-20. In fact, Kocsuta does not disclose a yieldable ring with little or no shape memory at all, but to the contrary, discloses a *resilient* ring having shape memory. Therefore, claims 18-20 are allowable for at least this reason.

Claim 21 has been amended to recite that the retaining ring is formed from a yieldable material that has little or no shape memory. Again, the Kocsuta patent fails to disclose this aspect of the claims. The Kocsuta patent fails to disclose a yieldable ring having little or no shape memory. Applicant respectfully submits that claim 21 is allowable for at least this reason.

Accordingly, for at least the reasons stated above, Applicant respectfully requests that this § 102(b) rejection to claims 1-21 be withdrawn.

CONCLUSION

Entry of this Amendment after Final Rejection is respectfully requested. No new matter is added and no new issues are believed to be raised. The amendments to claims 1, 14, 18 and 21 are believed to overcome the § 102(b) rejection to claims 1-21. No additional claims are presented.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1714.

Respectfully submitted,

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Date: October 7, 2003
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